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HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No.3067 of 2007

PETITIONERS

1. Nirmal Tirkey, Aged about 41 years, son of Shri Paulus Tirkey, Head Master, Jyoti Primary School Jugimura Kodoura, P.O. Dawra, District Ambikapur (Chhattisgarh)

2. Ku. Augustina Ekka, Aged about 51 years, Daughter of Late Shri Sanny Cyril, Assistant Teacher, Jyoti Primary School Jugimura Kodoura, P.O. Dawra, District Ambikapur (Chhattisgarh)

3. Benjamin Minj, Aged about 40 years, Son of Shri Nicholas Minj, Assistant Teacher, Jyoti Primary School Jugimura Kodoura, P.O. Dawra, District Ambikapur (Chhattisgarh)

4. Ku. Lily Lakra, Aged about 35 years, Daughter of Shri Isidore Lakra, Assistant Teacher, Jyoti Primary School Jugimura Kodoura, P.O. Dawra, District Ambikapur (Chhattisgarh)

5. Smt. Sushma Toppo, Aged about 34 years, Wife of Shri Nazarious Toppo, Assistant Teacher, Jyoti Primary School Jugimura Kodoura, P.O. Dawra, District Ambikapur (Chhattisgarh)

Versus

RESPONDENTS

1. State of Chhattisgarh through Secretary, Tribal Welfare Department, Mantralaya, D.K.S. Bhawan, Raipur (Chhattisgarh)

2. Commissioner, Tribal Welfare Department, District Ambikapur (Chhattisgarh)

3. Catholic Sansthan Surguja, Uttar Purb Parikshetra, through Nirdeshak, Bishop's House, Ambikapur (Chhattisgarh)

Petition U/A 226 of the Constitution of India

Single Bench :Hon'ble Shri Justice Satish K. Agnihotri

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Present : Shri Rahul Birthare, counsel for the petitioners.
Shri A Dubey, Panel lawyer for the State / respondents.

ORAL ORDER
(Passed on 11th May, 2007)

The question of law involved in this petition is whether the teachers working in government aided private schools are entitled to the benefit of the recommendation of the Fifth Pay Commission under the provisions of the Madhya Pradesh Ashaskiya Sikshan Sanstha (Adhyapakon Tatha Anya Karmchariyon Ke Vetno Ka Sandaya) Adhiniyam, 1978 (henceforth 'the Adhiniyam, 1978') and the rules made thereunder read with the Madhya Pradesh Revision of Pay Rules, 1998 (henceforth 'the Pay Rules, 1998').

(2) The identical question of law was considered by this Court in batch of matters i.e. **Smt. A Lall Vs State of Chhattisgarh & Others** (W.P.No.4108 of 2005) with other connected matters, and the same was disposed of by judgment and order dated 06.02.2007. It was held that the petitioners who are working in fully Government aided private schools are entitled to the revised pay scales w.e.f.01.01.1996 as prescribed under the Pay Rules, 1998. This Court had granted certain directions further for the purpose of disbursement of arrears.

(3) Admittedly and jointly, it is submitted by the learned counsel for the parties that this matter is squarely covered by the judgment and order dated 06.02.2007 passed by this Court in the case of Smt A Lall (supra) and other connected matters.

(4) As a result, for the reasons stated in the judgment and order dated 06.02.2007 passed in W.P.No.4108 of 2005 Smt A Lall (Supra) and other connected matters, the writ petition is allowed in the same terms and conditions.

Sd/-
Satish K. Agnihotri
Judge

Subha